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HISTORY *Westmoreland wants more than CBS's money*

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WASHINGTON, D.C.—Retired Gen. William Westmoreland, defeated on the battlefield in Vietnam, is now suing CBS News to win a favorable judgment about his role as chief of U.S. forces there.

So far, much of the media coverage of the controversy has centered on Westmoreland's claim that he was a victim of unethical journalistic practices by the network. But the big story emerging from the pretrial process is that the 1982 CBS documentary, "The Uncounted Enemy: A Vietnam Deception," was in fact on the mark: Westmoreland and top U.S. military intelligence officers did fabricate statistics in 1967 to conceal the actual strength of the Vietnamese revolutionary forces. And such number juggling was indeed an integral part of Westmoreland's plan to show that the U.S. was making progress in the war.

CBS OBTAINED EVIDENCE

Based on sworn statements by nearly 40 former U.S. officials and on evidence obtained by CBS attorneys from previously classified documents, the network asked U.S. District Court Judge Pierre Leval May 23 to dismiss Westmoreland's \$120 million libel suit. Leval has until the end of the summer to make a decision in the case.

Westmoreland, assisted by the right-wing Capitol Legal Foundation, filed the suit in 1982, claiming the 90-minute documentary was "unfair, defamatory and malicious in content and tone." Thirty former officials, including top Johnson administration policymakers, have given depositions in Westmoreland's defense.

EFFORTS TO REWRITE HISTORY

More than Westmoreland's reputation as a soldier is at stake in this legal skirmish. Since the defeat in Vietnam, former U.S. officials and rightist commentators have tried to rewrite the war's history. Aware of the need to forge a new consensus for further interventions, they have contended that the military didn't really lose the war. Instead, they argue, it was prevented from winning by timid politicians and by biased news reporting which undercut political support for the war effort.

"The Uncounted Enemy," touched a raw nerve because it suggested that Westmoreland's "war of attrition" strategy was a failure. Utilizing on-camera interviews with former military and intelligence officials, CBS charged that Westmoreland "misinformed" the U.S. public, Congress and President Lyndon Johnson about the "nature and size of the enemy." The broadcast concluded: "A conspiracy [existed] at the highest levels of American military intelligence—to suppress and alter critical intelligence on the enemy. . . ."

Former Defense Secretary Robert McNamara, who oversaw the escalation of the U.S. air and ground war from 1965-68, recently testified in Westmoreland's behalf that conscious distortion of the official "order of battle" was "inconceivable."

He repeatedly conceded, however, that infiltration by North Vietnam forces "could have been substantially higher by a factor of two or three, or ten" than the official order of battle reports. McNamara attributed such distortions to the natural tendency of officials to exaggerate their accomplishments.

The former Pentagon boss also admitted he never did get the answer because there weren't any answers."

Evidence obtained by CBS indicates that there were answers, however. Walter and Miriam Schneir, in an article in *The Nation* May 12, sift through some of that evidence and conclude that Westmoreland did "cook the books." The Schneirs cite a September 1967 cable from Saigon to CIA Director Richard Helms from George Carver, an agency expert on Vietnam. In it, Carver comes to the "inescapable conclusion" that Westmoreland had "given instructions tantamount to direct order that VC [Viet Cong] strength total will not exceed 300,000 ceiling." Carver added: "Rationale seems to be that any higher figure would not be sufficiently optimistic and would generate unacceptable criticism from the press."

ILLUSION OF U.S. PROGRESS

The Schneirs also disclose other previously classified cable traffic from Robert Komer, appointed by Lyndon Johnson as a "political commissar" in Vietnam, and from Gen. Creighton Abrams, Westmoreland's deputy,

urging that a count of Vietnamese guerrilla fighters be omitted from the official U.S. estimates of Vietnamese revolutionary troop strength. "All those who have an incorrect view of the war would be reinforced" if the number of Vietnamese irregular forces got out to the news media, Abrams warned.

When the Vietnamese revolutionaries launched their surprise Tet offensive at the end of January 1968, the illusion of U.S. progress in the war could no longer be maintained. But still, the high command tried to juggle the numbers, claiming that only 84,000 Vietnamese forces were involved in the new fighting and that 45,000 of these were killed. (The Schneirs report that CIA analyst George Allen put the number involved in the offensive at 400,000, while the CIA was prepared to announce in April 1968, that the total Vietnamese strength was in the 600,000 range.)

But by then the war was well on the way to being lost. The Tet offensive broke up the consensus in Washington favoring military victory in Vietnam through a war of attrition. Westmoreland was brought back to Washington and reassigned. The Johnson administration began peace talks with the Vietnamese in Paris in 1968. Six years later Saigon fell and the war ended.

What Westmoreland and his right-wing backers want to prove through the courts is what they failed to prove on the battlefield: the myth of U.S. military invincibility. ■